



General Assembly

February Session, 2008

***Raised Bill No. 321***

LCO No. 1762

\*01762\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-88 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) [A] Unless a person is providing legal services pursuant to  
4 statute or rule of court, a person who has not been admitted as an  
5 attorney under the provisions of section 51-80 or has been disqualified  
6 from the practice of law due to resignation, suspension, disbarment or  
7 being placed on inactive status shall not: (1) Practice law or appear as  
8 an attorney-at-law for another, in any court of record in this state, (2)  
9 make it a business to practice law, or appear as an attorney-at-law for  
10 another in any such court, (3) make it a business to solicit employment  
11 for an attorney-at-law, (4) hold himself or herself out to the public as  
12 being entitled to practice law, (5) assume to be an attorney-at-law, (6)  
13 assume, use or advertise the title of lawyer, attorney and counselor-at-  
14 law, attorney-at-law, counselor-at-law, attorney, counselor, attorney  
15 and counselor, or an equivalent term, in such manner as to convey the  
16 impression that he or she is a legal practitioner of law, or (7) advertise  
17 that he or she, either alone or with others, owns, conducts or maintains

18 a law office, or office or place of business of any kind for the practice of  
19 law.

20 (b) Any person who violates any provision of this section shall be  
21 fined not more than [two hundred and fifty] ten thousand dollars or  
22 imprisoned not more than [two months] five years, or both. [The  
23 provisions of this subsection shall not apply to any employee in this  
24 state of a stock or nonstock corporation, partnership, limited liability  
25 company or other business entity who, within the scope of his  
26 employment, renders legal advice to his employer or its corporate  
27 affiliate and who is admitted to practice law before the highest court of  
28 original jurisdiction in any state, the District of Columbia, the  
29 Commonwealth of Puerto Rico or a territory of the United States or in  
30 a district court of the United States and is a member in good standing  
31 of such bar. For the purposes of this subsection, "employee" means any  
32 person engaged in service to an employer in the business of his  
33 employer, but does not include an independent contractor.]

34 (c) Any person who violates any provision of this section shall be  
35 deemed in contempt of court, and the Superior Court shall have  
36 jurisdiction in equity upon the petition of any member of the bar of  
37 this state in good standing or upon its own motion to restrain such  
38 violation.

39 (d) The provisions of this section shall not be construed as  
40 prohibiting: (1) A town clerk from preparing or drawing deeds,  
41 mortgages, releases, certificates of change of name and trade name  
42 certificates which are to be recorded or filed in the town clerk's office  
43 in the town in which the town clerk holds office; (2) any person from  
44 practicing law or pleading at the bar of any court of this state in his or  
45 her own cause; (3) any person from acting as an agent or  
46 representative for a party in an international arbitration, as defined in  
47 subsection (3) of section 50a-101; or (4) any attorney admitted to  
48 practice law in any other state or the District of Columbia from  
49 practicing law in relation to an impeachment proceeding pursuant to

50 Article Ninth of the Connecticut Constitution, including an  
51 impeachment inquiry or investigation, if the attorney is retained by (A)  
52 the General Assembly, the House of Representatives, the Senate, a  
53 committee of the House of Representatives or the Senate, or the  
54 presiding officer at a Senate trial, or (B) an officer subject to  
55 impeachment pursuant to said Article Ninth.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2008	51-88
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***Statement of Purpose:***

To (1) increase the penalty for practicing law without being admitted as an attorney, and (2) revise the exceptions from the prohibition on practicing law without being admitted as an attorney.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*